

Notice of Allowability

Application No.

09/739,648

Examiner

Prieto Beatriz

Applicant(s)

HAGAI ET AL.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/14/05.
2. ☒ The allowed claim(s) is/are 1-7 and 9-12.
3. ☒ The drawings filed on 20 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


BEATRIZ PRIETO
PRIMARY EXAMINER

Examiner's Amendment

1. An Examiner's Amendment to the record appears below. Should the changes or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Title

2. Pursuant to M.P.E.P. §606.01, this title has respectfully been changed to read as follows:

-- DATA RECEPTION/PLAYBACK METHOD & APPARATUS AND DATA TRANSMISSION METHOD & APPARATUS FOR PROVIDING PLAYBACK CONTROL FUNCTIONS --

Reason for allowance

3. The following is the Examiner's statement of Reason for Allowance. This statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed, nor it specifically or impliedly state that all the reasons for allowance are set forth. The primary, or important reason for allowance of the claims is the inclusion of the limitation(s) in all the claims, which is not found in the prior art references.

In this case, the prior art of record teaches the claimed invention substantially as claimed, such as requesting for transmission to be stop/pause i.e. "halted" to a server "transmitting end", and halting temporarily data reception; and requesting for transmission to be restarted i.e. "play" to the transmitting, end, and restarting data reception, where data reception is from a "lower" communication protocol, including interactive services wherein an user interface provided to the user enabling the user to pause transmission of video services, transmitting a pause instruction to the transmitting end, i.e. head end interrupting data reception and resumed from that point on shortly afterwards; and further including a playback start position index, that allows the user to select any desired playback position; the start index is information for indicating a playback start position, which is to be referred at a time of starting the playback by specifying the playback

start position of data to be play backed by the playback device; stored real-time data streams of subdivided segments enable the use to select desired segment in real-time using commands indicating playback, stop, forwards and backwards, wherein any segment can potentially be randomly accessed upon request from the data playback client; however the playback start indexes are stored at the client and presented by a control unit to the user so as to urge the user to select a desired playback position, therefore fails to teach or suggest individually or in combination receiving in response to a request a start position table and playing stream requested to a transmitting end bases on said received start position table, as set forth at least on claims 1, 7-12.

4. Double patent analysis has been performed with respect to issued patents (listed on PTO-892, herein attached) having common relationship of inventorship and/or ownership with respect to the above-allowed claims, none are found to warrant a double patenting rejection.

5. Claims are directed to a *statutory* process. Specifically, in this case claims have a practical application in the technological arts, such as receiving and playing video/audio data that enables the user to playback said stream from some midpoint in the stream, this is not a disembodied mathematical concept which may be characterized as an abstract idea, but rather a specific machine to produce a useful, concrete, and tangible result. The method performs a resultant physical transformation outside the computer, such as the playback of video/audio stream, producing a tangible useful result, and the method recites discrete physical structures or materials may be comprised of hardware or a combination of hardware and software, at least e.g. transmitting end, e.g. a server.

6. Any comments Applicants considers necessary must be submitted no later than the payment of the Issue Fee and to avoid processing delays, should preferable accompany the Issue Fees. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance". In event of any post-allowance papers (e.g. IDS, 312 amendment, petition, etc.), Applicant is exhorted to mail papers to the Production Control branch in Publications or faxed to post-allowance papers correspondence branch at (703) 308-5864 to expedite issuing process or call PUB's Customer Service if any questions at (703) 305-8497.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **B. Prieto** whose telephone number is **(571) 272-3902**. The Examiner can normally be reached on Monday-Friday from 6:30 to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3800/4700**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Box Issue Fee
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 746-4000, (Issue Fee and any Publication fee/payments)

Or:

(703) 305-8283 (for checking on receipt of payment w/Publication)

B. Prieto
Primary Examiner
July 1, 2005


BEATRIZ PRIETO
PRIMARY EXAMINER